

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

**JOINT CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION
TO AMEND SUMMARY JUDGMENT BRIEFING SCHEDULE**

Pursuant to Civil L.R. 7(h), Plaintiff Andrew Colborn and Defendants Netflix, Inc., Chrome Media LLC, Laura Ricciardi, and Moira Demos (collectively, “the Parties”), by and through undersigned counsel, hereby jointly move the Court for an order amending the summary judgment briefing schedule as outlined below. In support of this Motion, the Parties state as follows:

1. Civil L.R. 56(b)(2) states that an opposition brief to a motion for summary judgment “must [be] file[d] within 30 days of service of the motion.” Civil L.R. 56(b)(3) requires any reply memorandum in support of a motion for summary judgment to be filed “within 14 days of the service of the opposing party’s materials.”

2. On September 16, 2022, the Parties filed cross-motions for summary judgment.

3. After the Parties’ cross motions were filed, the Parties conferred and reached agreement on the following briefing schedule, on which they now seek the Court’s approval:

a. Opposition Briefs: due **November 4, 2022**;

b. Reply Briefs: due **December 9, 2022**.

4. The briefing schedule set forth above is justified for several reasons.

5. *First*, on September 19, shortly after the parties filed cross motions for summary judgment, counsel for Plaintiff emailed counsel for Defendants, stating, “Given the number of arguments that we need to respond to in the two summary judgment briefs, we intend to request that the Court grant an extension to November 5 [a Saturday] for the response briefs.”

6. *Second*, Defendants are amenable to giving Plaintiff more time but the Parties agree that it is appropriate for all opposition briefs in this matter to be filed simultaneously, rather than on a staggered briefing schedule, to avoid any advantage or disadvantage between the Parties.

7. *Third*, the parties anticipate that opposition briefs on the three pending motions may raise a number of arguments such that they will need additional time to draft their respective reply briefs.

8. *Fourth*, the briefing schedule set forth above accounts for the Thanksgiving holiday.

9. *Fifth*, granting the Parties' joint motion will not result in any delay or amendment to the operative Scheduling Order in this case. The Scheduling Order provides that "[a] final pretrial and trial will [only] be scheduled after all dispositive motions have been resolved[.]" Dkt. 210 ¶ 7.

WHEREFORE, the Parties respectfully request that the Court grant this Joint Civil L.R. 7(h) Expedited Non-Dispositive Motion to Amend the Summary Judgment Briefing Schedule.

Dated: September 23, 2022

Respectfully submitted,

/s/Kevin L. Vick_____

/s/Leita Walker_____

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